

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
E/S Bennerton Drive, 125' S of	
the c/l of Fitch Avenue	* ZONING COMMISSIONER
(7813 Bennerton Drive)	
14th Election District	* OF BALTIMORE COUNTY
6th Councilmanic District	
	* Case No. 96-334-A
Joseph J. Moxey, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 7813 Bennerton Drive, located in the vicinity of Fitch Avenue and Ridge Road in Parkville. The Petition was filed by the owners of the property, Joseph J. and Patricia M. Moxey. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the minimum required 10 feet for a proposed 14' x 24' family room addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits

ORDER RECEIVED FOR FILING

Date

By

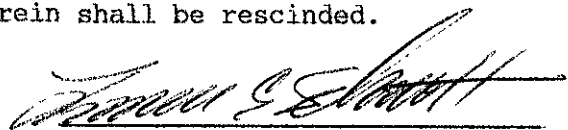
4/18/96
[Signature]
MICROFILMED

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of April, 1996 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the minimum required 10 feet for a proposed 14' x 24' family room addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 4/8/96
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 8, 1996

Mr. & Mrs. Joseph J. Moxey
7813 Bennerton Drive
Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Bennerton Drive, 125' S of the c/l of Fitch Avenue
(7813 Bennerton Drive)
14th Election District - 6th Councilmanic District
Joseph J. Moxey, et ux - Petitioners
Case No. 96-334-A

Dear Mr. & Mrs. Moxey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7813 Bennerton Dr
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 (BCZR)

To permit a side yard setback of 4 ft. in lieu of the required 10 ft. for the proposed addition (family room).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Practical Difficulty
① Strict compliance with requirement would
unreasonably prevent the use of the property for an addition on the house

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Joseph J Morey
(Type or Print Name)

Joseph J Morey
Signature

Patricia M Morey
(Type or Print Name)

Patricia M. Morey
Signature

7813 Bennerton Dr 882-2578
Address Phone No

Balto Md. 21236
City State Zipcode

Name, Address and phone number of representative to be contacted

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: R.T. DATE: 3.5.96

ESTIMATED POSTING DATE: _____

Printed with Soybean Ink
on Recycled Paper

ITEM #: 335

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2813 Bennerton Pr.
address
Balto Md 21236
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Practical Difficulty
Strict compliance with Requirement would
unreasonably prevent the use of the property for
an addition on the house.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Joseph J. Moxey
(signature)
Joseph J. Moxey
(type or print name)



Patricia M. Moxey
(signature)
Patricia M. Moxey
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of March, 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph J. Moxey and Patricia M. Moxey

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

March 1, 1996
date

Jennifer G. Manchsteiner
NOTARY PUBLIC

My Commission Expires:

7/12/99

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ITEM #335

96-334-A

ZONING DESCRIPTION FOR 7813 BENNERTON DR.
(address)

Beginning at a point on the EAST side of
(north, south, east or west)
BENNERTON DR. which is 50'
name of street on which property fronts (number of feet of right-of-way width)
wide at the distance of 125'± SOUTH of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street FITCH AVE.
(name of street)
which is 50' wide. *Being Lot # 7,
(number of feet of right-of-way width)
Block B, Section # in the subdivision of VILLAGE OF HICKORY
(name of subdivision)
as recorded in Baltimore County Plat Book # 39, Folio # 138,
containing 0.10 Ac. Also known as 7813 BENNERTON DR.
(square feet or acres) (property address)
and located in the 14 Election District, 6 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

RECORDED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District

14th

Posted for:

CASE No. 96-334A

Date of Posting

Petitioner:

Joseph J. Moxley & Patricia J. Moxley

Location of property:

7813 Bonaventure Drive

Location of Signer

Remarks:

Posted by

Signature

Date of return:

Number of Signs:

1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

ITEM # 335

DATE

3-5/96

ACCOUNT

R-001-6150

CIC - VARIANCE - \$150.00

ISO - SIGN - \$25.00

AMOUNT

\$

85.00

RECEIVED

FROM:

Joseph Moxey

96-334-A

FOR:

ADM. VARIANCE

Receipt

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



Printed with Soybean Ink
on Recycled Paper



on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 335 Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph Moxey

ADDRESS: 7813 Bennorton Dr.

Balto. Md. 21236

PHONE NUMBER: (410) 882-2578

Joseph J Moxey
Patricia M. Moxey

WICKHOFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 12, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-334-A (Item 335)
7813 Bennerton Drive
E/S Bennerton Drive, 125'+/- S of c/l Fitch Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Joseph J. Moxey and Patricia M. Moxey

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before March 17, 1996. The closing date (April 1, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Joseph and Patricia Moxey





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 22, 1996

Mr. and Mrs. Joseph J. Moxey
7813 Bennerton Drive
Baltimore, Maryland 21236

RE: Item No.: 335
Case No.: 96-334-A
Petitioner: J. J. Moxey, ut ux

Dear Mr. and Mrs. Moxey:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 5, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

3-18-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 335 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 03/13/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAR. 18, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

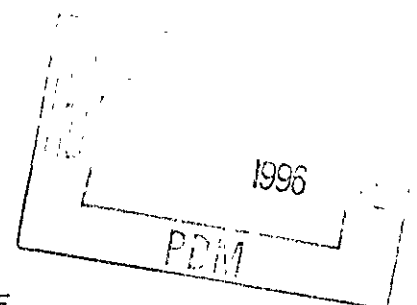
8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 334, 335, 336, 337, 338, 339,
340, 341 AND 342.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: March 14, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 332, 335, 337 and 341

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kern

PK/JL

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7813 Benner-ton Dr. 2-2346 see pages 5 & 6 of the CHECKLIST for additional required Information

Subdivision name: Village of Hickory Hollow

plat book # 39, folio # 138, lot # 7, section # 7

OWNER: Moxey Joseph Patricia

Joseph J. Moxey
Patricia Moxey
7813 Benner-ton Dr
Baltimore, Md. 21236

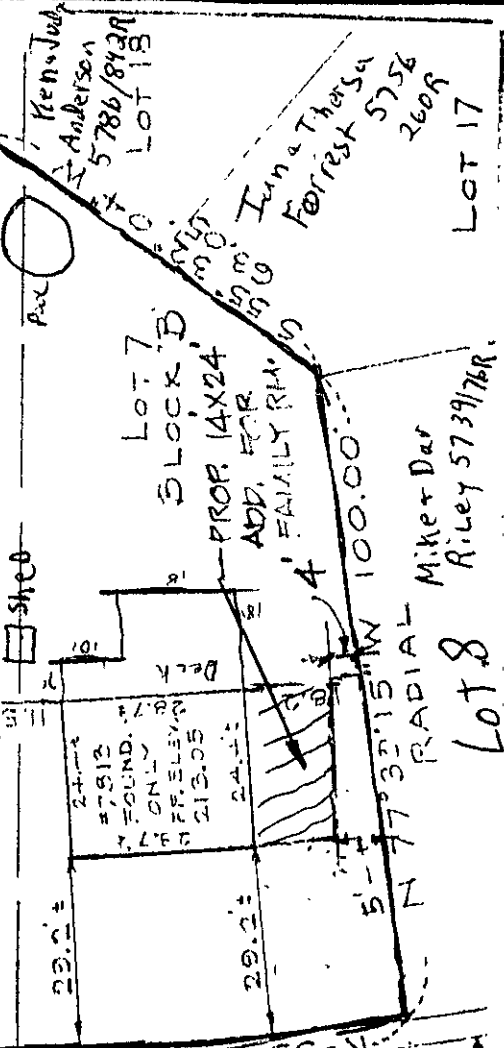
EX. HOUSE

BEGINNING POINT 30.14' TO THE ANGLE POINT OF LOT 5 BLOCK 3, AT FITCH AVE.

Charles. Helene Robinson 8247 LOT 5

LOT 6
59181.513R

± 10 DRAINAGE & UTILITY EASEMENT 140.91'



North ☒ date: 1-3-77 prepared by: MLA Engineering Corp Scale of Drawing: 1" = 30'

EX. HOUSE

LOCATION INFORMATION

Election District: 14

Councilmanic District: 6

1"=200' scale map #: NE 7-F

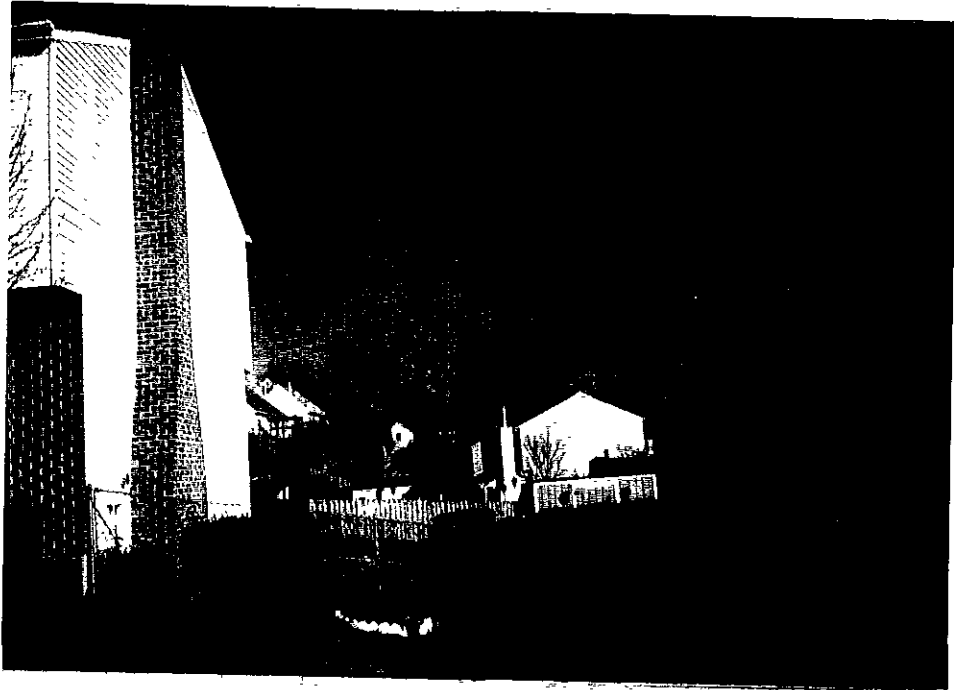
Zoning: DR 5.5

Lot size: 18 acreage 66,140 ~ 63,100 square feet

SEWER: ☒ public ☐ private
WATER: ☒ yes ☐ no
Chesapeake Bay Critical Area: ☐
Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: R.T. ITEM #: 335 CASE #:



South side
elevation

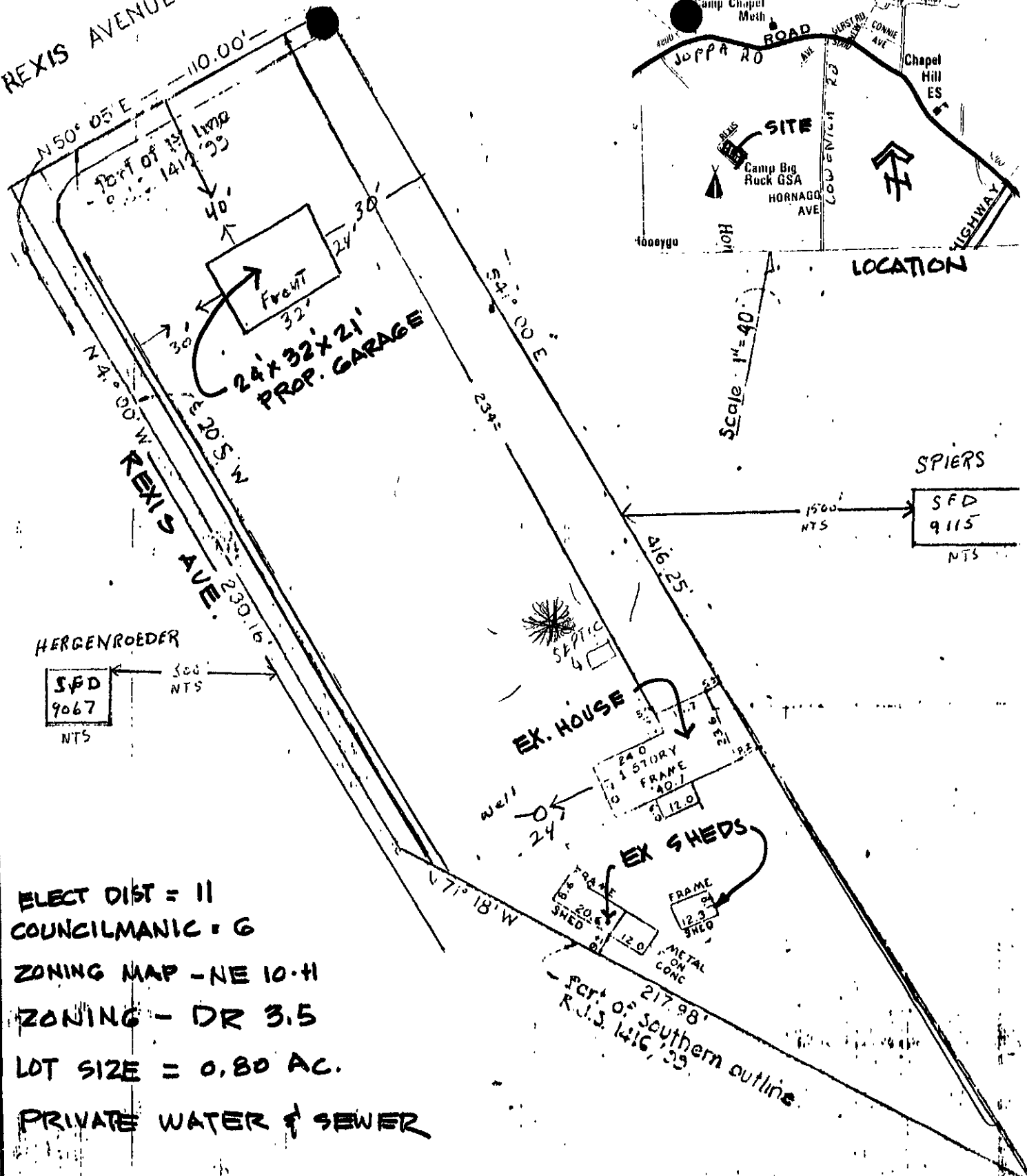


Rear
elevation.



South
side
elevation.

REXIS AVENUE



ELECT DIST = 11
COUNCILMANIC = G
ZONING MAP - NE 10-H
ZONING - DR 3.5
LOT SIZE = 0.80 AC.
PRIVATE WATER & SEWER

This is to certify that I have surveyed the property known as 9065 REXIS AVENUE

11th ELECTION DISTRICT BALTIMORE COUNTY MARYLAND

for the purpose of locating the improvements thereon, and the improvements are located as shown.

Signed this 23rd day of MAY 1975

PURDUM AND JESCHKE
ENGINEERS AND LAND SURVEYORS
1023 NORTH CALVERT ST.
BALTIMORE, MARYLAND 21202

PROPERTY NO. 11-14-065425 HT 21'

BR 16

ITEM# 145



Rear
elevation

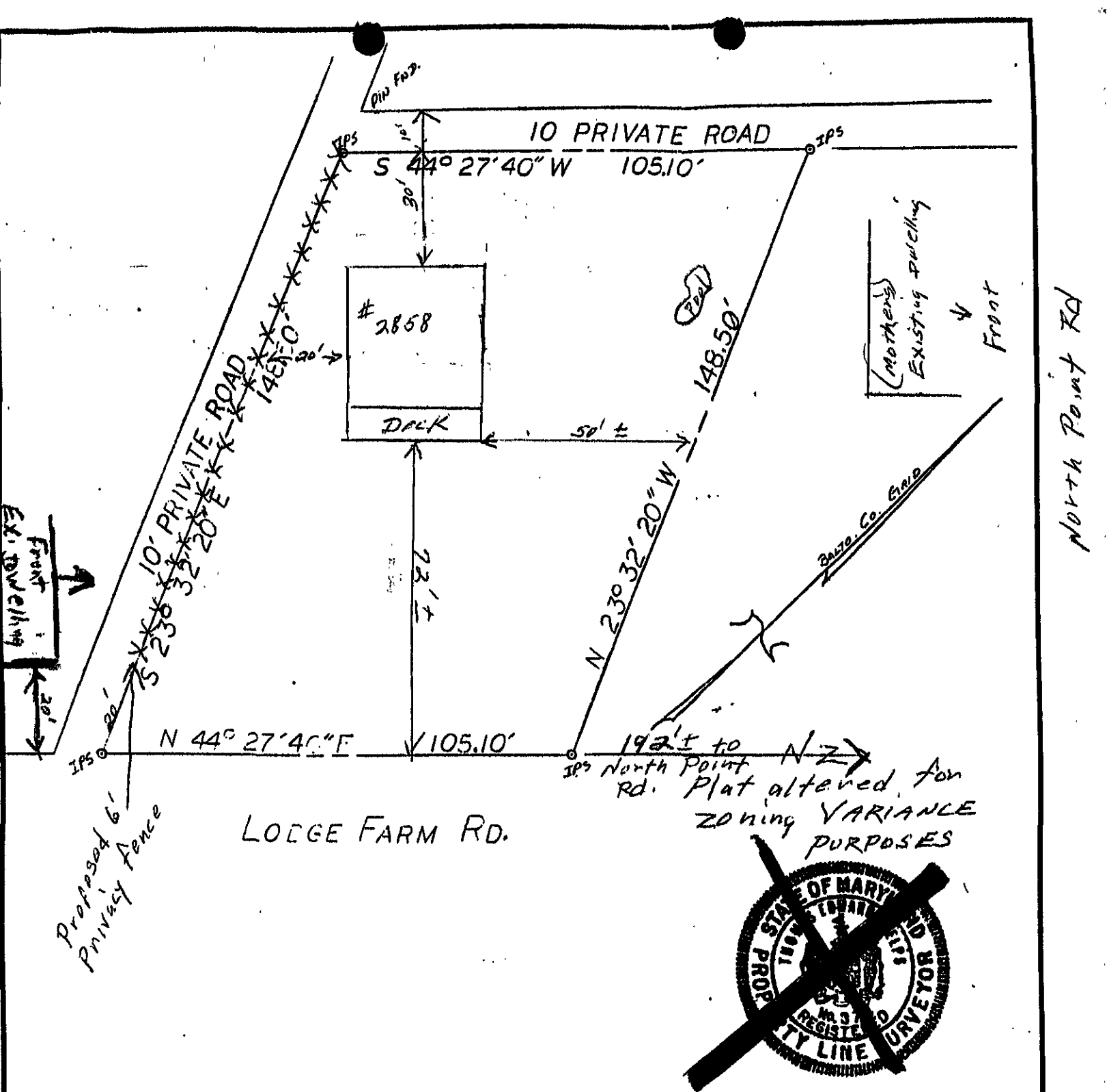


11

2 29 '86



North
Side
Elevation



THIS DOES ~~NOT~~ CONSTITUTE A PROPERTY LINE SURVEY.
THIS WILL CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS
ON THE ABOVE PROPERTY AS INDICATED.

Thomas E. Phelps

THOMAS E. PHELPS AND ASSOCIATES, INC.

REGISTERED PROPERTY LINE SURVEYORS

945 BARRON AVENUE
BALTIMORE, MARYLAND 21221

OFFICE: (301) 674-6744

LOCATION SURVEY

Cartwright Property
2858 Lodge Farm Rd.

Balto. Co., Md.

Plat Book

Folio

Scale 1"=30'... Date 5/15/94...

LOCATION INFORMATION

Election District: 15th

Councilmanic District: 7th

1"=200' scale map#: SE, 6-I

Zoning: DR-5.5

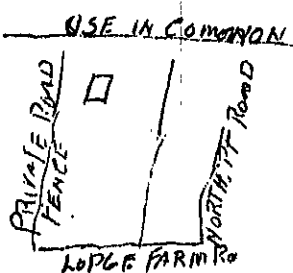
Lot size: 0.39 17,020
acres square feet

SEWER: ☒ public ☐ private

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: None



Vicinity Map

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

[Signature]

183



de
Front
elevation

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

DATE: 23 Sept 94

OE: JP/COP

HISTORIC DISTRICT/BLDG.

PERMIT #: B 213120
RECEIPT #: A 239057
CONTROL #: 172
XREF #:

PROPERTY ADDRESS 360 Wye Road
131670, MD. 21221
SUBDIV: Mt. Airy
TAX ACCOUNT #: 15-12-840200
OWNER'S INFORMATION (LAST, FIRST)
NAME: BITTLE, J. A. WOSCH, GEORGE
ADDR: 360 WYE RD. BALTO. MD. 21221

FEE: 10
PAID: 10
PAID BY: Appl
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

BUILDING 1 or 2 FAM.

CODE CODE

93 BOCA CODE

TYPE OF IMPROVEMENT

1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER FENCE

TYPE FOUNDATION

1. SLAB
2. BLOCK
3. CONCRETE

BASEMENT

1. FULL
2. PARTIAL
3. NONE

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

CENTRAL AIR: 1. 2

ESTIMATED COST: \$ 200

OF MATERIALS AND LABOR

PROPOSED USE: SFD & Fence

EXISTING USE: SFD

OWNERSHIP

1. PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED

2. SEMI-DET.

3. GROUP

4. TOWNHSE

5. MIDRISE

6. HIRISE

1 FAMILY BEDROOMS

GARBAGE DISPOSAL 1. Y

POWDER ROOMS

1. Y

2. N

3. N

4. N

5. N

6. N

7. N

8. N

9. N

10. N

TYPE OF HEATING FUEL

1. GAS
2. OIL
3. ELECTRICITY
4. COAL

TYPE OF WATER SUPPLY

1. PUBLIC SYSTEM
2. PRIVATE SYSTEM

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER
2. PRIVATE SYSTEM

SEPTIC EXIST PROPOSED

PRIVY EXIST PROPOSED

PROPOSED

PROPOSED

PROPOSED

PROPOSED

PROPOSED

PROPOSED

PROPOSED

PROPOSED

PROPOSED

PROPOSED

PROPOSED

PROPOSED

APPLICANT INFORMATION

NAME: WOSCH, GEORGE

COMPANY:

STREET: 360 WYE RD

CITY, ST, ZIP: BALTO. MD. 21221

PHONE #: 682-4230

MHIC LICENSE #:

APPLICANT SIGNATURE: George Wosch

TRACT: 1

BLOCK: 2

PLANS: CONST 1 PLOT 1 PLAT 1 DATA 1

TENANT:

CONTR: OWNER

ENGR:

SELLR:

DESCRIBE PROPOSED WORK: ERECT A 6' HIGH WOOD FENCE ALONG

REAR SIDE PROPERTY OF R. SFD. ANY FENCE RECTD WITHIN AN

EASEMENT MUST BE REMOVED @ OWNER'S EXPENSE, IF REQUIRED.

CANNOT FENCE WALKWAY EASEMENTS. L.F.

213.

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
20. SWIMMING POOL
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

BUILDING SIZE

FLOOR: 203

WIDTH:

DEPTH:

HEIGHT: 6'

STORIES:

LOT #'S: 169

CORNER LOT:

1. Y

2. N

3. N

4. N

5. N

6. N

LOT SIZE AND SETBACKS

SIZE: 85'x

FRONT STREET:

SIDE STREET:

FRONT SETBK: NL

SIDE SETBK: NL

SIDE STR SETBK:

REAR SETBK: NL

1. Y

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6. N

APPROVAL SIGNATURES

DATE

BLD INSP: 9.23.94

BLD PLAN: 9.23.94

FIRE: 9.23.94

SEDI CTL: 9.23.94

ZONING: 9.23.94

PUB SERV: 9.23.94

ENVRMNT: 9.23.94

PERMITS: 9.23.94

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

Item # 122

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Bennerton Drive, 125' S of
the c/l of Fitch Avenue
(7913 Bennerton Drive)
14th Election District
6th Councilmanic District
Joseph J. Moxey, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

"When a matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 7813 Bennerton Drive, located in the vicinity of Fitch Avenue and Ridge Road in Parkville. The Petition was filed by the owners of the property, Joseph J. and Patricia M. Moxey. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the minimum required 10 feet for a proposed 14' x 24' family room addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of April, 1996 that the Petition for Administrative Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the minimum required 10 feet for a proposed 14' x 24' family room addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

April 8, 1996

(410) 887-4386

Mr. & Mrs. Joseph J. Moxey
7813 Bennerton Drive
Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Bennerton Drive, 125' S of the c/l of Fitch Avenue
(7813 Bennerton Drive)
14th Election District - 6th Councilmanic District
Joseph J. Moxey, et ux - Petitioners
Case No. 96-334-A

Dear Mr. & Mrs. Moxey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7813 Bennerton Dr
which is presently zoned DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 (BCZR)

To permit a side yard setback of 4 ft. in lieu of the required 10 ft. for the proposed addition (family room).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Practical Difficulty

Strict compliance with requirement would
unreasonably prevent the use of the property for an addition on the house

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

ORDER RECEIVED FOR FILING
Date 4/8/96
By [Signature]

Contract Purchaser/Owner	Legal Owner(s)
Type or First Name	<u>Joseph J. Moxey</u>
Signature	<u>[Signature]</u>
Address	<u>7813 Bennerton Dr</u>
City	<u>Baltimore</u>
State	<u>MD</u>
Zip Code	<u>21236</u>
Attorney for Petitioner	
Type or First Name	
Signature	
Address	
City	
State	
Zip Code	

A Public Hearing having been requested and/or found to be required by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, in two new papers of general circulation throughout Baltimore County, and that the property be required.

Zoning Commissioner of Baltimore County

RECEIVED BY R.F. DATE 3-5-96
ESTIMATED POSTING DATE

Printed with Soybean Ink on Recycled Paper
ITEM # 335

Affidavit in support of Administrative Variance

The undersigned hereby affirm, under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does do presently reside at 7813 Bennerton Dr

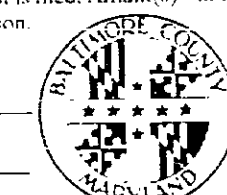
Baltimore Md Zip Code 21236

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (Indicate reason or reasons for request)

Practical Difficulty
Strict compliance with requirement would
unreasonably prevent the use of the property for
an addition on the house

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Joseph J. Moxey
Affiant



[Signature]
Patricia M. Moxey
Affiant

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of March, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph J. Moxey and Patricia M. Moxey
the Affiant(s) herein, personally known to and satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinbefore set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal

March 1, 1996

[Signature]
My Commission Expires: 7/12/99

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL IN THE BLANK" Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 7813 BENNERTON DR.
(address)

Beginning at a point on the EAST side of
(north, south, east or west)

BENNERTON DR., which is 50'
name of street on which property fronts (number of feet of right-of-way width)

wide at the distance of 123'± SOUTH of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street FITCH AVE.
(name of street)

which is 50' wide. "Being Lot # 7"
(number of feet of right-of-way width)

Block B Section # in the subdivision of VILLAGE OF HICKORY
(name of subdivision)

as recorded in Baltimore County Plat Book # 39, Folio # 138

containing 0.18 AC. Also known as 7813 BENNERTON DR.
(square feet or acres) (property address)

and located in the 14 Election District, 6 Councilmanic District.

"If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown. Instead state "As recorded in Deed Liber _____ Folio _____ and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N 87° 12' 13" E 321.1 ft. S 18° 21' 03" E 87.2 ft. S 53° 19' 03" W 318 ft. and N 08° 15' 22" W 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 14th Date of Posting: March 26, 1996
Posted for: 7813 Bennerton Dr
Petitioner: Joseph J. Moxey
Location of property: 7813 Bennerton Dr
Location of Sign:
Remarks:
Posted by: [Signature] Date of return:
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 3-5-96 ACCOUNT
AMOUNT \$
RECEIVED FROM
96-334-A
FOR PAID VARIANCE

VALIDATION OR SIGNATURE OF CARRIER
DATE CARRIER FIRM AGENCY YELLOW OUTDOOR

Baltimore County
Department of Permits and
Development Management
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

NOTICE HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/hearing property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No. 335 Petitioner:

Location:

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph Moxey

ADDRESS: 7813 Bennerton Dr

Baltimore Md 21236

PHONE NUMBER: (410) 882-2578

Printed with Soybean Ink on Recycled Paper

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 12, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-334-A (Item 335)
7813 Bennerton Drive
E/S Bennerton Drive, 125' +/- S of c/l Fitch Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Joseph J. Moxey and Patricia M. Moxey

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before March 17, 1996. The closing date (April 1, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: Joseph and Patricia Moxey



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 22, 1996

Mr. and Mrs. Joseph J. Moxey
7813 Bennerton Drive
Baltimore, Maryland 21236

RE: Item No.: 335
Case No.: 96-334-A
Petitioner: J. J. Moxey, et ux

Dear Mr. and Mrs. Moxey:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 5, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-18-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 335 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2289 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4680

DATE: 03/13/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAR. 18, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 334, 335, 336, 337, 338, 339, 340, 341 AND 342.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: March 14, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 332, 335, 337 and 341

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3400.

Prepared by: Jeffrey W. Long

Division Chief: Amy L. Korman

PK/JL

MICROFILMED

ITEM332/PZONE/ZAC1

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 7813 Bennerton Dr. 2-2396 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Village of Hickory Hollow

Plat book: 29, folio 138, lot 7, section 7

OWNER: Moxey, Joseph Patricia

OWNER: Moxey, Patricia

7813 Bennerton Dr. R. 21236

EX. HOUSE

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LOT 401 59181.517R

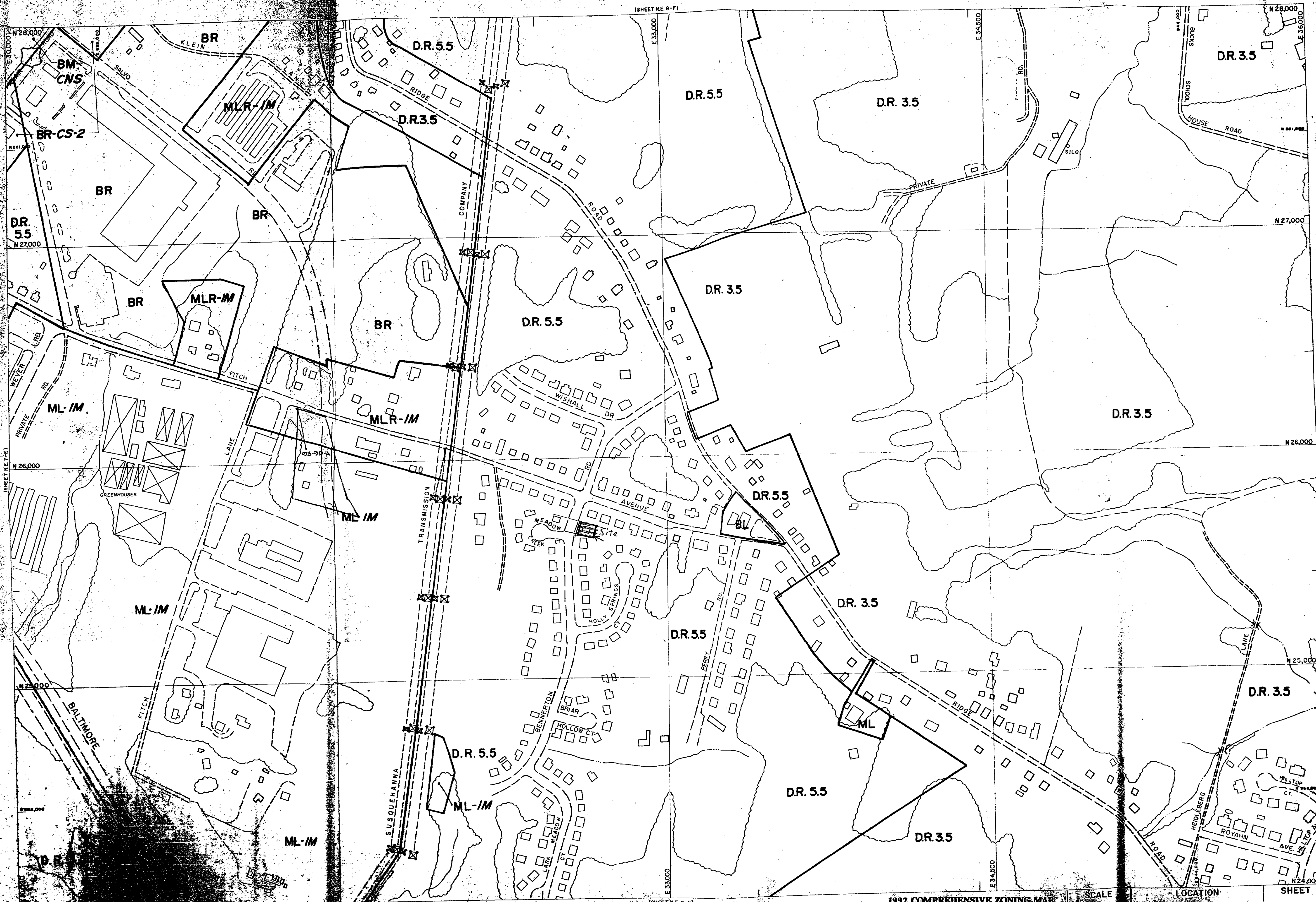
LOT 402 59181.517R

LOT 403 59181.517R

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LOT 405 59181.517R

LOT 406



N-SE M-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY SUCHART-MORR, INC. BALTIMORE, MD. 21218

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard
Chairman, County Council

SCALE
1" = 200'
DATE
OF
PHOTOGRAPH
JANUARY
1986

LOCATION
FULLERTON

SHEET
NE
7-F

26-334-A



96-334-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V.

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

MICROFILMED
FULLERTON

SHEET

N.E.
7-F